

Gina Harrison
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PACIFIC  TELESIS
Group-Washington

December 20, 1996

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

Dear Mr. Caton:

Re: CC Docket No. 90-623, *Computer III Remand Proceedings: Bell Operating Company Safeguards and Tier 1 Local Exchange Company Safeguards*; CC Docket No. 95-20, *Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services*; CC Docket No. 96-149, *Implementation of the Non-Accounting Safeguards of Section 271 and 272 of the Communications Act of 1934, as amended*; CC Docket No. 96-152, *Implementation of the Telecommunications Act of 1996: Telemessaging, Electronic Publishing, and Alarm Monitoring Services*

On behalf of Pacific Telesis, please find enclosed an original and six copies of its "Opposition to ATSI's Motion" in the above proceeding.

Please stamp and return the provided copy to confirm your receipt. Please contact me should you have any questions or require additional information concerning this matter.

Sincerely,



Enclosure

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of:

Computer III Remand Proceedings:
Bell Operating Company Safeguards and
Tier 1 Local Exchange Company Safeguards;

CC Docket No. 90-623

Computer III Further Remand Proceedings:
Bell Operating Company Provision of
Enhanced Services;

CC Docket No. 95-20

Implementation of the Non-Accounting
Safeguards of Section 271 and 272 of the
Communications Act of 1934, as amended;

CC Docket No. 96-149

Implementation of the Telecommunications
Act of 1996: Telemessaging, Electronic
Publishing, and Alarm Monitoring Services

CC Docket No. 96-152

PACIFIC TELESIS'S OPPOSITION TO ATSI'S MOTION

Pacific Telesis submits this opposition to ATSI's Motion filed
December 10, 1996, in the above-captioned proceedings. ATSI moved to withdraw its
Petition for Reconsideration in the *Computer III Remand Proceedings* and to
incorporate the same Petition in the *Computer III Further Remand Proceedings*, the

*Section 271 and 272 Non-Accounting Safeguards Proceeding, and the Telemessaging and Electronic Publishing Safeguards Proceeding.*¹

Pacific Telesis, of course, has no objection to the withdrawal of ATSI's Petition for Reconsideration in the *Computer III Remand Proceedings*. Subsequent to ATSI's Petition, the Ninth Circuit U.S. Court of Appeals remanded the *Computer III Remand Order* back to the Commission. The Commission subsequently began *Computer III Further Remand Proceedings* seeking comments not only on the issues of concern to the Court, but on the nonstructural safeguards generally.² Accordingly, ATSI's Petition is moot, and the Commission should dismiss it.

ATSI's Motion that its Petition be incorporated into the three other proceedings should be dismissed as frivolous. The Commission could take no action on the Petition in those other proceedings. Moreover, incorporation of ATSI's arguments and information contained in its Petition would violate the time limits for pleadings in these other dockets. Finally, as ATSI acknowledges, the issues involved in its Petition have been addressed in the subsequent proceedings to which ATSI has been a party. Thus, the content of the Petition would be valueless to the subsequent proceedings.

¹ See, Petition for Reconsideration of the Association of Telemessaging Services International, CC Docket No. 90-623, filed March 6, 1992 ("Petition"). See also, *Computer III Remand Proceedings: Bell Operating Company Safeguards and Tier 1 Local Exchange Company Safeguards*, 6 FCC Rcd 7571 (1991) ("BOC Safeguards Order").

² *Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services*, CC Docket No. 95-20, Notice of Proposed Rulemaking, 10 FCC Rcd 8360 (1995).

Nonetheless, in the unlikely event that the Commission were to grant ATSI's motion and incorporate its Petition into the three proceedings, due process would require that the Commission also incorporate into those proceedings the Oppositions to ATSI's Petition that were filed in the *Computer III Remand Proceedings*, including that filed by Pacific Bell and Nevada Bell.³ In this manner, ATSI's allegations in its Petition would not go unanswered.

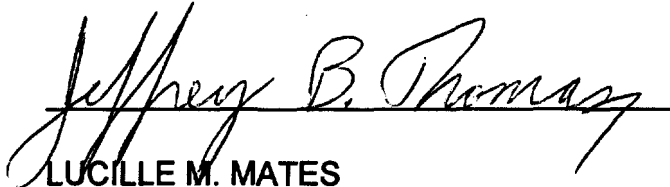
For the above reasons, the Commission should dismiss ATSI's 1992 Petition for Reconsideration as moot and dismiss its instant Motion as frivolous. If the Commission were to instead grant ATSI's Motion, the Commission should also

³ Consolidated Opposition of Pacific Bell and Nevada Bell To Petitions For Reconsideration, April 29, 1992, CC Docket No. 90-623.

incorporate into the same proceedings those Oppositions that were filed to ATSI's
Petition for Reconsideration, including that filed by Pacific Bell and Nevada Bell.

Respectfully submitted,

PACIFIC TELESIS

A handwritten signature in cursive script, reading "Jeffrey B. Thomas", is written over a horizontal line.

LUCILLE M. MATES
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Its Attorneys

Date: December 20, 1996

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CERTIFICATE OF SERVICE

I, Michael Bickley, on behalf of Pacific Telesis, do hereby certify that a copy of the foregoing "OPPOSITION TO ATSI'S MOTION" in CC Dockets 90-623, 95-20, 96-149 and 96-152 was served via first class mail on the party indicated on the Service List below on this 20th day of December, 1996.

By: Michael Bickley
Michael Bickley

Pacific Telesis Legal Group
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